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ABSTRACT

This paper, the second in a series exploring future options for public policy in the communications and information arenas, examines some of the issues underlying public broadcasting, primarily public television. It advances two reasons why quality local public television programming is scarce: funds for the original production of programming have always been limited, and national programming simply represents a more efficient use of funds; and the number of stations has grown, meaning that there are more stations making do with less money. However, it is noted that those public television stations that are committed to serving local community needs may have found the key to survival in generating the local support necessary to keep them in business. Six recommendations are offered for future policy in public broadcasting: (1) phase out federal funding of the Corporation for Public Broadcasting over a 2-year period to allow for the transfer of some of its functions to other institutions; (2) establish a national endowment for video and audio programming; (3) gradually eliminate federal funding through the authorizations/appropriations process; (4) establish a taxpayer check-off spectrum and/or fees, the revenues from which would go to the new endowment fund; (5) loosen restrictions on corporate underwriting; and (6) earmark the funds from the Public Telecommunications Facilities Program (PTFP) for expanding the reach of public television and radio programming through appropriate technology in areas not currently served. The paper concludes by suggesting that the goal of federal policy should be to target the federal subsidy to meet national needs that are not being met by the commercial marketplace. (DB)

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2 Public Broadcasting

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Benton Foundation
Project on Communications & Information Policy Options

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Benton Foundation Project on Communications & Information Policy Options

In early 1988, the Benton Foundation commissioned a series of eight papers to explore future options for public policy in the communications and information arenas. Written by recognized authorities in their respective fields, the papers identify critical issues and options confronting policymakers at the federal level.

Through the publication of this series, the foundation seeks to stimulate public awareness and discussion of the communications and information issues that will affect our society in the coming decade. Two broad themes are addressed in the papers: the role of policy in the rapidly changing mass media marketplace; and the ethical, constitutional, and regulatory challenges that arise from the increasing use of computers in our society.

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Public Broadcasting

Harry M. Shooshan III & Louise Arnheim

About the Authors

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Executive Summary

While some observers contend that the inability of public broadcasting to fully achieve the vision of its founders is due solely to "inadequate" levels of funding, this paper argues that the reasons are much more complex. Public broadcasting's problems are largely attributable to fundamental issues that were left unresolved in the 1967 Public Broadcasting Act and to the unintended and unforeseen consequences that have resulted from politics, technology, and the evolution of television and radio. The way public broadcasting responds to these issues in the next few years is critical to its future as a viable programming alternative.

The 1967 Public Broadcasting Act embodies two principles set forth originally by the Carnegie Commission on Educational Television: that the Corporation for Public Broadcasting (CPB) should serve as a "heat shield" against political interference, and that local stations should serve as the "bedrock" of a national public broadcasting system (i.e., localism). Over the years, however, CPB has not only failed to shield the system from political heat, but has sometimes generated heat of its own. Additionally, the local stations have not provided local programming on the wide scale envisioned by Carnegie.

At least two of the reasons why CPB has not functioned effectively as a heat shield relate to disparities between what the Carnegie Commission intended and what actually became public law. The Commission called for a "de-politicized" source of funding for noncommercial broadcasting (a manufacturer's excise tax on television sets), as well as a CPB Board of Directors that was not composed solely of political appointees. Instead, Congress adopted legislation that partially funded public broadcasting through federal appropriations and that called for a politically appointed Board. As a result, public broadcasting has been subject to the politics of the authorizations/appropriations process, and the institution intended

to shield the system from political interference, CPB, has become politicized.

With regard to localism, the paper looks principally at public television. There are several reasons why quality local public television programming is scarce. Funds for original production of programming have always been limited, and national programming simply represents a more efficient use of funds. Moreover, as the size of the program fund "pie" has gradually increased over the years, so too have production costs. The number of stations also has grown, meaning that there are more stations making do with less money. Despite these difficulties, some public television stations have made a commitment to local programming and are meeting specific community needs. These stations may hold the key to the ultimate survival of public broadcasting: the commitment to meet local needs that are otherwise unserved by the various national program sources. By serving local needs, they may generate the local support necessary to keep them in business.

In light of these circumstances, a new approach to public broadcasting is needed. The paper offers six recommendations for future policy in this area:

(1) Phase out federal funding of CPB over a two-year period to allow for the transfer of some of its functions to other institutions.

(2) Establish a national endowment for video and audio programming, whose mandate is to make program grants.

(3) Gradually eliminate federal funding through the authorizations/ appropriations process.

(4) Establish a taxpayer check-off and/or spectrum fees, the revenues from which would go to the new endowment to fund national programming.

(5) Loosen the restrictions on corporate underwriting to enable the stations to generate greater revenue from this source.

(6) Earmark the funds from the Public Telecommunications Facilities Program (PTFP) for expanding the reach of public television and radio programming through appropriate technology in areas not currently served.

Public broadcasting's problems will not be solved by simply increasing federal funding. The goal of federal policy in this era of growing program options and growing budget deficits should be to target the federal subsidy to meet national needs that are not being met by the commercial marketplace.

INTRODUCTION

Remember the Louds? For twelve, one-hour episodes in 1973, this American family let public television cameras into their home and an audience of millions into their lives.[1] Viewers watched such intensely personal experiences as Mrs. Pat Loud's request for a divorce unfold over the airwaves.

Similarly, the nation at large has been audience to the troubles of the public broadcasting family. Its unique unhappiness has been manifested during the past decade by near bankruptcy for public radio, stormy exits and resignations from CPB, presidential vetoes of funds, and intrigue over political influence on programming decisions. And, as usual, at the end of another congressional season, public broadcasting is left hanging until the last possible minute in its quest for funds.

In this year of political transition, it is important to step back and look at the genesis of one of the most creative but troubled of American families: public broadcasting. The Carnegie Commission on Educational Television (whose recommendations formed the basis of the 1967 Public Broadcasting Act) envisioned "the utilization of a great technology for great purposes, the appeal to excellence in the service of diversity."[2] Some would argue that the system's failure to achieve this lofty goal is the result solely of "inadequate" levels of funding. This paper will argue, however, that the current situation is largely attributable to fundamental issues that were left unresolved when the 1967 Public Broadcasting Act was signed into law, and to the unintended and unforeseen consequences that have followed as the natural results of politics, technology, and the evolution of television and radio.

This paper examines two major principles embodied in the 1967 Public Broadcasting Act, the legislation that established the structure for federal support of the system: (1) that the Corporation for Public Broadcasting should serve as a "heat shield" against political interference; and (2) that local stations should serve as the "bedrock" of a national public broadcasting system. The paper also analyzes

how well these two principles have weathered 21 years of change, and then offers several recommendations for reform.[3]

At the outset, it should be noted that a difficulty in examining public broadcasting as a policy issue is differentiating public broadcasting as a public *institution*, from the admirable goals it was intended to achieve. The term "public broadcasting" justifiably brings to mind positive associations such as "Sesame Street," "Eyes on the Prize," "All Things Considered," and "A Prairie Home Companion." Such efforts are surely what the drafters of the 1967 legislation had in mind, and all are visible to the public at large. However, some of the other outcomes of federal policy, namely overt political pressure on program decision makers and an overall lack of high quality local programming, reflect serious problems in the institutional mechanisms designed to bring to the public a distinct programming alternative. To analyze these problems is not to question the value of public broadcasting, but to examine more closely the federal policies upon which the current system is based.

BACKGROUND AND CONTEXT

A possible foreshadowing of the problems that have trailed public broadcasting is found in the following historical anecdote regarding the 1967 Act's history. According to Douglass Cater, one of the prime movers of the 1967 legislation in the Johnson Administration:

> With only a very few members of Congress showing much enthusiasm for the legislation, the House of Representatives came close to postponing action. Then, in the final days, a vital quorum was lacking and a posse had to be dispatched in search of a Ways & Means Committee member trysting in a local hotel.[4]

This landmark legislation that created the federal infrastructure for "an indigenous American system arising out of our own traditions and responsive to our own needs"[5] was passed and signed in a relatively short (ten-month) time period,[6] and failed to resolve several fundamental questions. Some of those questions pertained to the new institution designed to oversee this infrastructure, the Corporation for Public Broadcasting (CPB); others related to the mission and expectations of the local stations, some of which had been in operation for decades prior to passage of the Act. These questions have lingered for 21 years, surfacing annually at industry meetings, culminating every three years in protracted hearings on reauthorization, and forever draining public broadcasting of the energy it has needed to adapt to a changing environment.

The Corporation for Public Television (whose name was changed to the Corporation for Public Broadcasting in the legislation) was the cornerstone of the Carnegie Commission's "Magna Carta" for noncommercial broadcasting:

> The Corporation should be empowered to receive and disburse governmental and private funds in order to extend and improve Public Television programming. The Commission considers the creation of the Corporation fundamental to its proposal and would be most reluctant to recommend the other parts of its plan unless the corporate entity is brought into being.[7]

Equally important to the Commission was freeing this new institution from financial dependence on the government, thus resolving, at least in theory, the fundamental conflict posed by "freedom of expression" and "federal support."[8]

> Its freedom from political control will be all the greater if it possesses resources for which it is not dependent upon the government, even though those resources constitute only a part of its total needs.

> At the moment when it comes into being, the Corporation should be in possession of substantial financial resources for which it is not answerable to the government.[9]

Yet from the moment it came into being, the Corporation *has* been beholden to the government. The Carnegie Commission recommended a trust fund financed by a manufacturer's excise tax on television sets, and argued that *both* the Corporation and the trust fund were "jointly essential to the insulation of Public Television from the dangers of political control."[10] However, the 90th Congress, which translated the Commission's most fundamental concepts into public law, did not adopt this key recommendation. Instead, the Corporation would be required to come to Congress each year for funds.

The 1967 Act thus established an institution charged with deflecting political influence while simultaneously forced to seek funding from influential politicians. As a result, the notions that public broadcasting executives should appear before Congress and that congressional oversight is a necessary component of the public broadcasting funding process have acquired a certain legitimacy over the years, despite the fact that CPB is *not* a government agency.

Another recommendation of the Carnegie Commission, pertaining to the appointment of CPB board members, was only partially translated into public law. The Commission proposed that the Corporation have a 12-member board, with six appointed by the President (and confirmed by the Senate) and six appointed by those whom the President had appointed. However, the 1967 Act called for 15 members, all appointed by the President and confirmed by the Senate. As a result, CPB's board was similar in composition to that of an independent agency, and the success or failure of the board appointments were left to the political tugs of war between President and Congress. These two discrepancies between what the Carnegie Commission intended and how the law was written have seriously impaired CPB's ability to function as a heat shield.

In addition to leaving CPB embroiled in the congressional appropriations and confirmation processes, CPB also was left with relatively little leadership authority within the public broadcasting system; that authority was reserved for the stations. CPB's primary mission, as articulated by the Carnegie Commission and reflected in the law, was "to serve the local station" by being a conduit for federal funds, but not to "operate it nor control it."[11] Consequently, there was little that this Washington-based institution was empowered to do to insulate the hundreds of local stations from potential state and local political interference in program decision-making[12] or, for that matter, to prevent federal policy-makers from bypassing it altogether in seeking to influence programming.

By reserving authority to the stations, the Carnegie Commission and the Act attempted to steer noncommercial broadcasting away from what it perceived as the natural imperative of the commercial broadcast networks, which comprised the most pervasive medium at the time:

> We recognize that commercial television is obliged for the most part to search for the uniformities within the general public, and to apply its skills to satisfy the uniformities it has found.[13]

In providing for a clear alternative to commercial television, the Commission sought to avoid setting up the institutional apparatus for a centrally-controlled fourth network. This was one of the intended outcomes of the second principle upon which the 1967 Act was based, the principle of localism. The Commission hoped to capitalize upon the "diversity" of public television and radio, and thereby establish a decentralized, democratic foundation for decision-making. The Commission envisioned a system that would be built upon "a strong component of local and regional programming," and one that would "provide the opportunity and the means for local choice to be exercised upon the programs made available from central programming sources."[14] In articulating this principle of localism, the Commission was advocating two ideas: the encouragement of locally produced programs, and the right of the local

stations to make decisions over what programs are aired. However, as translated into federal policy and as practiced by the stations, localism has yielded mixed results at both the national and local levels. Very little local programming is produced by the stations, and the decentralized system for purchasing national programming appears to promote the "tried and true" rather than the creative and innovative.

Twenty years ago, the principles of localism and protection from political control were valid ideas upon which to base federal policy. In part, they still are. However, the fact that the mechanisms created by the 1967 Act have not yielded their intended objectives (for whatever reasons) is one of the most critical factors policy-makers must consider in formulating future public broadcasting policy. In light of the growth of new delivery systems, the development of new programming alternatives, and changing national priorities, new mechanisms may be required to accomplish these objectives.

The Achievements of Public Broadcasting

Anyone familiar with American broadcasting is also familiar with the impressive list of public television and radio programs that have achieved critical and public acclaim over the past 21 years. A short, and by no means complete, list for television might include: "An American Family," "The Brain," "Behind the Lines," "The Constitution: That Delicate Balance," "Eyes on the Prize," "The French Chef," "Great Performances," "Great American Dream Machine," "Heritage: Civilization and the Jews," "The MacNeil/Lehrer NewsHour," "Mister Rogers Neighborhood," "Sesame Street," "Washington Week in Review," and "Wonderworks." For radio, a similar list might include "Morning Edition," "A Prairie Home Companion," and "All Things Considered."[15]

In addition to the battery of instructional programming designed for classroom use (kindergarten through grade 12), the system is extending educational services to adults through programs such as the Adult Learning Service (ALS) and Project PLUS.

ALS is a "partnership" among almost all the public television stations and over a thousand colleges and universities that provides college credit courses via television.[16] PLUS (Project Literacy U.S.) is a joint project between the Corporation for Public Broadcasting (CPB) and Capital Cities/ABC designed to teach illiterate adults how to read.

What is not as well known among the viewing and listening public are the great strides public television and radio have made in broadcasting technology. Initiated in 1978, the PBS satellite interconnection system, which links its member stations, was the first such system in the United States. Public television was the first to offer closed captioned programs for the hearing-impaired. Direct stereo television broadcasting was developed in 1984 by Chicago public TV station WTTW. Today, the Public Broadcasting Service (PBS) is participating in industry planning for high-definition television (HDTV), and extending television to the blind through its descriptive video service (DVS).[17]

Public radio has been a pioneer in similar technological achievements. Just as public television stations became part of the first television system interconnected by satellite, public radio stations comprised the first radio system so interconnected. Public radio also developed the use of the FM subcarrier for specialized services such as reading for the blind.[18] Additionally, public radio, along with public television, developed "simulcasting," a precursor to direct stereo television broadcasting.[19]

Public television and radio *have* made a difference in American broadcasting. Several of the objectives envisioned by the Carnegie Commission clearly have been achieved. These include the improvement of instructional (classroom) programming, the production of programs for "more-than-local" use, live interconnection of stations, research and development in television technology, and programming that has, on many occasions, enabled viewers to "gain a fuller awareness of the wonder and the variety of the arts, the sciences, scholarship, and craftsmanship, and the many roads along

which the products of man's mind and man's hands can be encountered."[20] However, by 1988, alternative networks have begun to meet some of these objectives, raising questions about the appropriate future mission of a federally subsidized service. The next section examines the context of public broadcasting in the late 1980s.

New Programming Alternatives

Over the past 21 years, the range of programming choices available to viewers has increased as the technology for delivering those choices (cable, satellite, and microwave) has improved, and as the marketplace for new distribution services (cable, "wireless cable," TVRO) has developed. These improvements have also led to the strengthening of independent broadcast stations. As a result, the program viewing habits of the American public are quite different from what they were in 1967.[21]

Consider the following:

- *1967*: Annual sales of television sets, primarily black and white, reach nearly 80 million.[22] Cable TV is primarily a means of extending over-the-air signals to rural areas; its penetration is less than 2.3 percent of American homes.

- The three commercial networks claim nearly the entire share of prime time audience. Popular shows include "The Flying Nun," "Hogan's Heroes," "The Monkees," and "Green Acres."

- Congress passes the Public Broadcasting Act of 1967. The Act establishes a Corporation for Public Broadcasting, creating the institutional apparatus to promote public broadcasting as a clear alternative to commercial broadcasting.

• *1988*: Ninety-nine percent of American homes own at least one television set; 68 percent have two or more.[23] Cable systems now pass four out of five homes. Over half the nation's viewing households receive over-the-air broadcast signals by cable television, not just to improve reception, but to take advantage of an average of 36 channels of programming and any number of pay services offered by their local cable company.

• Commercial broadcast network viewership is down significantly. Between 1977 and 1987, the broadcast networks' share of the prime time viewing audience decreased from 91 percent to 71 percent.[24] Between the 1985-86 and 1986-87 television seasons alone, network affiliates lost an average of over a million television households during prime time, whereas independents gained an average of 414,000 households and cable networks (basic) picked up over 906,000 households.[25] In fact, reruns of the popular 1967 shows named above now can be seen on cable channels such as CBN, Nickelodeon, and SuperStation WTBS.

• Though the number of public television stations has increased significantly since 1967, public broadcasting's viewing audience barely held steady in the last television season.[26]

• Over half the nation's homes own at least one VCR,[27] with more Americans renting videotapes from the local video store than taking out books from the local library.[28]

• Congress continues to struggle over how to fund the designated alternative to commercial television, yet the institutional apparatus it authorized in 1967 now includes not just a CPB, but a Public Broadcasting Service (PBS), National Public Radio (NPR), the National Association of Public Television Stations (NAPTS), 322 public television

stations, and over 290 "CPB-qualified" public radio stations.[29]

The above presents a capsule version of how new technology and new program services have altered the choices available to the audience.[30] What have these changes meant for public television?

Although public television's audiences have indeed grown over the past twenty years, it appears that the breaking of the commercial networks' long-standing hold on viewership is not attributable to the federally designated alternative, public television, but rather to the growth of other program services. In presenting an analysis of the commercial networks' declining viewership last summer to PBS member stations, PBS Director of Research John Fuller specifically noted that the data "also confirm that one place they [viewers] *did not* go was to public television."[31] Equally significant are the words of Peter Downey, PBS senior vice president for program support and development services, who told member stations:

> Now, for years, we have prided ourselves on providing a *unique, alternative,* and *unduplicated* program service, and compared to commercial broadcast television, that is still a valid claim. But not so in comparison to cable.[32]

Moreover, PBS President Bruce Christensen measures the current video marketplace against 1982, the year cable penetration exceeded the 33 percent mark, and cable programming began to burgeon. According to Christensen, 1988 is the "6th year A.D.—*Anno Diversitatus,* or After Diversity."[33] But is public television equipped to compete in this new video marketplace? The answer lies in assessing the competitive advantages of the new programming services *vis a vis* noncommercial television.

Cable Television—Cable television enjoys a number of freedoms that noncommercial licensees do not. There are no constraints on how cable's advertisers comport themselves as corporate sponsors

of a program. In addition, cable systems require monthly "donations" (i.e., subscriber fees) from *all* of the people who watch without using precious air time for solicitation. Moreover, since the 1984 Cable Act, the cable industry is free to raise the rates of these monthly "donations." Cable can also offer multiple channels, while public broadcasting (in *most* instances) is limited to a single channel.

In this context, public television stations are handicapped at competing in what was once their unique territory. Public television does not possess the financial resources to arm itself against cable's raids of public broadcasting talent, its forays into public television-like programming, and its alliances with long-standing public television allies. Consider the following:

The emergence of "single concept" cable channels such as the Learning Channel (education); the Discovery Channel (nature and science); Arts & Entertainment and Bravo (cultural, performing arts); Univision and Black Entertainment Network (minority programming); CNN (news and public affairs); and C-SPAN (Congress and federal government).

The distribution of former public broadcasting programs such as "Odyssey," "Sneak Previews," "Big Bird in China," "Monty Python," and the TV version of "A Prairie Home Companion" by cable.[34]

Public television allies such as the BBC entering agreements with cable for new series. For example, the BBC has entered into a three-year co-production agreement with National Geographic Television for at least 14 half-hour programs for WTBS. The BBC also is reported to have signed a co-production agreement with the Discovery Channel.[35]

And it seems these trends will continue:

- Cable pay programmers HBO and Cinemax will utilize multi-channel TV sound (MTS) stereo technology to enable Hispanic viewers to listen to movies such as "La Bamba" and "Platoon" in Spanish.[36]

- HBO will also produce the program "Around the World in 80 Days with Monty Python."

In short, certain cable television networks are not only duplicating what was once thought to be public television's niche, they are collectively beginning to claim that niche as their own. This trend has implications not only for the siphoning of public television's traditional viewing audience to cable, but also for the continued growth of viewership support of the stations.

Finally, cable operators can control the carriage and channel placement of public television stations. In the absence of requirements that cable carry local broadcast channels,[37] cable operators are no longer compelled to carry public television stations. According to a recent count by NAPTS and PBS, 74 stations, many of them educational licensees, have been dropped from cable systems, and the channel position of over 100 (again, many of them educational licensees) has been shifted.[38] The only reason more stations have not been dropped, suggests one PBS executive, is the "perceived value" of having a public television station on the cable program menu.[39]

VCRs—In 1967, VCRs were unavailable and viewers had to shift their schedules in order not to miss a desired program. The Carnegie Commission noted that public television could fulfill an important need not met by commercial television by broadcasting certain programs several times during the week.

Today, however, VCR penetration has reached 56 percent, and viewers can "time-shift" programs, videotaping them for later viewing. Moreover, VCR owners can rent tapes on opera, language, science, and even "how"-to programs instead of tuning into public television. This development alone may demonstrate the need for a baseline review of the mission of public broadcasting.

The Congressional Context

Twenty-one years also have seen changes in the decision-making environment of one of public broadcasting's major supporters: the Congress. Not only have most of the congressional players changed since 1967, but so have many of the rules, formal and informal, of the legislative process. The Congress that passed the 1967 Public Broadcasting Act as one of the social programs of LBJ's Great Society was not the same Congress that now examines public broadcasting against other public goods competing for scarce resources in the wake of the Reagan Revolution.

As a result of reforms recommended by the Obey Commission in the 1970s, Congress has become more expert, more decentralized, and more concerned about national spending priorities. The growth of professional committee staff means that public broadcasting executives face increasingly tougher scrutiny in appearing before Congress to request funding. Such scrutiny often has led to increased acrimony within the public broadcasting community, as Congress has taken a more active role in allocating scarce federal dollars for particular aspects of public broadcasting. Decentralization (the dispersion of authority among many less senior members) has increased the number of Congressmen who are actively involved in communications issues, and has therefore increased the chances of success for those who seek to influence public broadcasting policy.

In recent years, one interest has superceded all others in capturing the attention of lawmakers: the budget deficit. In 1967, the budget deficit stood at $8.6 billion;[40] today it is estimated to be well over $100 billion.[41] While the amount of federal funding for public

broadcasting is a relatively small portion of federal expenditures, the growing availability of alternative programming sources could lead Congress to question the continuing need for federal support. In this context, it becomes clear that clarification of the unique mission of public broadcasting and the objectives of federal support are essential to the survival of the notion of a noncommercial broadcasting alternative.

CPB AS "HEAT SHIELD"

The Corporation for Public Broadcasting was created to serve as a "heat shield," to absorb the political heat that inevitably would accompany federal funding. If public television and radio were to achieve the goals of the Carnegie Commission by producing controversial and innovative programs, then it would be natural to expect that powerful individuals would try to influence the programming decisions. The Carnegie Commission expected that the Corporation would absorb or deflect this political heat. The premise was that the appointment of a dedicated and semi-nonpolitical board, coupled with an independent source of funding, would provide the system with adequate insulation. Unfortunately, however, the "heat shield" turned out to be defective. Denied an independent source of funding and riddled with overtly political appointments, CPB has been bypassed by politicians who have exerted direct pressure on PBS, NPR, and local television and radio stations. In some instances, CPB has become so politicized itself that it has applied its own pressure on the stations and programmers.

This section analyzes how the funding and board appointments processes work to undermine CPB's efficacy as a heat shield. The examples cited below demonstrate the bipartisan nature of such interference and how Presidents, Members of Congress, local politicians, and even members of the CPB Board have tried, for political reasons, to influence the types of programs funded, the fate of programs, the content of programs, and funding for specific programs. These examples are a representative sample of instances about which there is public knowledge or public record. The known instances of political interference may only be the tip of a larger iceberg. And, it is impossible to document more subtle forms of

interference (i.e., self-censorship). Unfortunately, the possibility of retaliation appears to prevent many in the system from talking openly about the problem.

Political Pressure During the Funding Process

Because the Carnegie Commission's recommendation for removing CPB from the annual federal budget process (through a tax on TV sets) did not become law, annual congressional oversight of the system, including hearings in which public broadcasting executives are questioned about everything from accounting practices to programming, has become a normal component of the policy process.[42] In the context of federal appropriations, Members of Congress feel no compunction about discussing the fate of particular programs on the House or Senate floor.

The Carnegie Commission's concern about political interference was, in fact, seen by some in Congress as an inappropriate desire for insulation from the congressional scrutiny that inevitably comes with funding from general revenues. Consider the remarks of Representative Louis Stokes (D-OH), who, after listening to testimony from two public broadcasting executives in 1975, wrote:

> This leads me to the inescapable conclusion that the real justification for "insulation" is that Public Broadcasting executives are too busy to be burdened with appearing before the Committees annually, to account for their use of the public funds they have received.[43]

Stokes' remarks were part of the House debate on a proposal that public broadcasting receive appropriations for five years at a time, and were made a time when Congress was attempting to get a grip on "uncontrollables" in the national budget. The full Appropriations Committee, reporting adversely on the measure, wrote that it was:

> ...not convinced that a five-year appropriation outside of the normal appropriations process is warranted simply because the potential for governmental interference with public broadcasting exists. The Committee does not believe that "the risk of and the appearance of undue interference," however that may be defined, is sufficient reason for such a drastic departure from the normal appropriations process.[44]

Although Congress' concern with oversight and with controlling the federal budget was understandable and perhaps inevitable, it was apparent that by 1975 the federal appropriations process was seen as more than just a short-term solution to the problem of funding public broadcasting: the process had been institutionalized.

The story of "The Lawmakers" series in the early 1980s is an example of how Congress used its appropriations power to influence the fate of a particular program at CPB. Produced by WETA, the public television station in Washington, "The Lawmakers" was a weekly series about Congress, hosted by journalist Paul Duke. According to one account, public television station managers said the program "featured puff pieces" about Congress.[45] When the CPB program fund director recommended against renewed funding for the broadcast, his action touched off a letter-writing campaign by over 30 Members of Congress, some of whom "linked their support of CPB's appropriation to renewal of the series."[46] Some of these letters, as well as a log of congressmen and policymakers who wrote to CPB, are shown in the Appendix to this paper.

CPB's decision not to renew funding for the series was based on the recommendation of a review panel of public affairs specialists who concluded that program did not meet the investigative standards specified in the program's contract.[47] The recommendation also came after reports by PBS member stations that the broadcast was not drawing a large audience.[48]

Between 1982 and 1984, various members of the public broadcasting community, as well as Members of Congress, stepped in to assure continued funding of "The Lawmakers."[49] However, in 1984, when CPB finally discontinued funding for "Lawmakers," the House Appropriations Committee responded by cutting $12.5 million from a supplemental CPB appropriation.[50]

The action caused station managers to seek a compromise with CPB by raising money to fund a new program about Congress called "Capitol Journal." That program, hosted by Hodding Carter, began its run in 1985. Ultimately, funding for this broadcast was not renewed, but the CPB program fund director augmented funding for the "MacNeil/Lehrer NewsHour" so that a special unit covering Congress could be set up.[51]

This particular example is significant in that Congress used its appropriations power as a weapon to secure a favorite broadcast for two years after CPB had decided against funding it, and also because CPB bowed to that congressional pressure. While it may have made some in Congress uneasy, to most the interference seemed consistent with the congressional authority. Consider the remarks of Representative Silvio Conte (R-MA) who, speaking on the House floor in favor of increased funds, said:

> It ("The Lawmakers") puts us in a very difficult position as Members of Congress to try to get up here and even speak about it, but I think we have to speak about it. We are not trying to exert our muscle, or anything else. We are saying "The Lawmakers" is an excellent program, it has a tremendous amount of following, and now, with this increased authorization, I hope public broadcasting will take that into consideration. They need about $800,000, I understand, to continue the program until January if this goes through.[52]

The appropriations process can be manipulated by politicians at the other end of Pennsylvania Avenue as well. Presidential vetoes of appropriations strike at the heart of programming decisions. Two Presidents, Nixon and Reagan, have used their veto authority in relation to public broadcasting, albeit for different reasons.

Former President Nixon vetoed the public broadcasting appropriation in 1972 in an attempt to divide the industry, contending that local stations were being shortchanged by PBS with regard to national affairs programming. Subsequent research, including a freedom of information request, revealed that former President Nixon was actually attempting to suppress what he perceived to be anti-Administration programming at the national level.[53]

President Reagan's veto of the public broadcasting appropriation in 1981, while part of an overall cutback in federal spending, was also in step with his philosophy about noncommercial broadcasting. In 1972, while Governor of California, Reagan addressed an NBC affiliates meeting in Los Angeles regarding his concern about bias on commercial television. During that speech, he warned that totalitarian regimes gain their power by obtaining control of communications. In that context, Reagan added that he opposed "a totally centralized, government-owned and government-operated, public broadcasting system,"[54] and recommended local funding.

The threat of decreased levels of funding from Congress or the threat of a presidential veto keep public broadcasting beholden to the political process and ensure CPB's responsiveness to the politicians who control that process. The twenty-year-old link between CPB and the federal appropriations process is a critical factor in CPB's inability to deflect political heat.

Board Appointments

The original plan of the Carnegie Commission called for CPB to have a 12-member board, with six appointed by the President (and confirmed by the Senate) and six more appointed by those whom the President appointed. However, the final legislation called for 15 board members, all appointed by the President, with no more than eight members from any one political party.[55] Thus, the White House and Congress rejected an important recommendation of the Carnegie Commission, and instead created a board selection process that they could control.

The 1967 Act called for persons "eminent" in the fields of education, cultural and civic affairs, or the arts, including radio and television, to be appointed to the board, whose overall composition was to reflect the geographic diversity as well as the "various kinds of talent and experience appropriate to the functions and responsibilities of the Corporation."[56] More often, however, CPB has been a logical spot for presidents of both parties to place the party faithful. In other words, CPB board nominees have been treated the same as any other type of political appointee. Their nominations are a result of the politics of the appointment process and, once appointed, many have used their position to extend the reach of the White House into public broadcasting. Both elements undermine CPB's role as a heat shield.

The President decides whom to nominate, and Congress decides when or whether to confirm a nominee. Both actions are inherently political. Even the Nixon Administration, whose attempt to control the future of public broadcasting through board appointments is well documented, found itself making concessions to Congress:

> We appointed Jack Wrather, Tom Moore, and Jock Whitney to the CPB Board last year and reappointed Saul Haas and Frank Schooley due to Congressional pressure. We have just announced the appointment of Zelma George to the Board to fill a term which expires next Spring. Four more vacancies will also be filled at that time, giving us clear control of the Board.[57]

A more recent example of this executive-legislative battle was President Reagan's 1988 nomination of Charles Lichenstein to the CPB board. A Heritage Foundation Fellow, Lichenstein reportedly believes that CPB should be abolished.[58] He was not called to appear before the Senate Communications Subcommittee, and his nomination died in October 1988, when Congress adjourned. Apparently, his views were seen by the Senate committee as incompatible with productive service on the Board (or at least, with their own).

As noted earlier, President Nixon's veto of public broadcasting appropriations reflected the Administration's efforts to discourage public affairs programming. But Nixon was equally adept at using board appointments to influence programming. While the original purpose behind the Nixon Administration's attempts to influence public broadcasting may have been to "reflect considerable credit on the President at relatively low expenditures,"[59] it soon became a well orchestrated effort to "de-liberalize" programming that appeared to be "anti-Administration" in nature. The question for the Administration, as evidenced by the following excerpt from a White House memo, was not *whether* CPB could be used to further political objectives, but how best to use it: "The best possibility for White House influence over the Corporation is through the Presidential appointees to the Board of Directors."[60]

However, the Administration discovered an obstacle to achieving full control of CPB: CPB management. An excerpt from a memorandum to the President contained the following advice:

> *The Problem*: To achieve your goals, with some lasting impact, we must first replace the current CPB management and assure its control by the Board....

The memorandum also noted that:

> ...controlling the management of CPB is difficult because the Public Broadcasting Act purposely structured it to minimize executive branch influence. CPB is theoretically governed by an independent Board, with members appointed to fixed terms with Senate confirmation.[61]

While the Nixon Administration undertook perhaps the most egregious campaign to use CPB board members to influence programming, more recent board members have also tried to influence programming for political purposes. Reacting to what he perceived as a liberal bias in PBS documentaries, former CPB board member

Richard Brookhiser, an editor at the *National Review*, in 1986 proposed a content analysis of PBS programming, aimed at examining its political bias.[62] Two years earlier, Brookhiser had objected to the "American Playhouse" broadcast "Concealed Enemies," which focused on the Alger Hiss case. Reportedly, Brookhiser objected to the way the broadcast presented the Hiss case, calling it "evasive and ultimately irresponsible."[63] In a 1984 interview, Brookhiser said:

> It seems to me that the heat-shield has to be two-way...If we are there blocking things from the outside...we also have to do so from the inside. If we're there to keep garbage out we also have to keep garbage from getting out...."[64]

In response to Brookhiser's concerns, CPB drafted a request for proposals (RFP) for the analysis and sent it to 150 communications scholars. Only six responded. One of the 144 who did not respond was Ben Bagdikian, former dean of the Graduate School of Journalism at the University of California at Berkeley, who called the proposed analysis "a horrid idea."[65] As reported by the *New York Times*, Bagdikian said:

> It's a silly idea to believe that you can judge the quality of a program by some scientific social-science test. The people who produce those things ought to be responsible for content, as well as for the failures.[66]

A group that shared Bagdikian's opinion, the Association of Independent Video and Filmmakers, called upon Congress to stop the board's proposed plan. (The Association's membership includes documentary producers.) Lawrence Sapadin, the Association's executive director, told the *New York Times*:

> The chilling effect of this kind of proposal begins with it being proposed... If you want CPB money for a project about Central America or racism or a controversial subject, the message is that there is a deep concern about that at CPB.[67]

A year later, CPB dropped the idea. The official reason given was that the six responses it had received did not meet its criteria and were too costly.

CPB also fails in its capacity as a heat shield in that the sources of interference sometimes bypass it altogether, pressuring PBS, NPR, and the stations directly. Given the diversity of public and private funding sources on which public broadcasting must rely (state governments, local donations, corporate underwriting, etc.), there is very little a Washington-based institution can do to insulate some 500 public television and radio stations against political interference. Politicians can bypass CPB altogether and pressure stations directly.

A prime example of how policymakers have interfered in public radio occurred during the summer of 1988 when Kathryn Jensen, general manager of WCPN-FM radio in Cleveland, replaced the usual Sunday schedule of ethnic/nationality programming with jazz and public affairs programming (the weekday format).[68] Before making her decision, Jensen met with the station board and concluded that the ethnic programming was not helping WCPN to "build" its audience. According to the station, their audience of 50,000 listeners on the weekdays dropped to 5,800 on Sundays.

The producers of the ethnic programming, who said they were notified by mail of Jensen's decision, were outraged. They filed suit against the station, alleging that WCPN had secured its noncommercial license on the condition that it broadcast ethnic programming, and that money contributed to the station with that understanding in mind should be refunded.[69]

WCPN's action also angered Senator Howard Metzenbaum (D-OH), who used senatorial privilege to place a hold on the Senate bill reauthorizing funds for public broadcasting. Bypassing CPB to exert pressure on WCPN, Metzenbaum held up funding for all of public broadcasting, causing the *Cleveland Plain Dealer* to publish an editorial stating: "Metzenbaum has every right to his strong feelings about WCPN's action. But he abuses his Senate power when he

takes action affecting every public broadcasting outlet in the country."[70]

Another politician, Cleveland Mayor George Voinovich, whom Metzenbaum defeated in 1988 in a close Senate race, also intervened, writing the Federal Communications Commission to urge that WCPN's action be taken into account at license renewal time. Voinovich sent a copy of his letter to then presidential candidate George Bush.

Metzenbaum's hold was subsequently lifted after language requiring CPB to allocate more funds for the production of programs in languages other than English was added to the Public Telecommunications Act of 1988. The suits against the station are still pending.

Whether these various efforts to exert political muscle achieved their immediate, desired effect or not, the point is that CPB failed to deflect them and, in some cases, *initiated* them. Moreover, the continuing threat of political pressure creates a climate that stifles risk-taking by public broadcasting—a climate that could further weaken public broadcasting as a strong alternative to commercial program options.

THE CONCEPT OF LOCALISM[71]

Although CPB and PBS play a significant role in the funding and distribution of national programming, it is the local stations that decide what their local audiences will see and hear. Indeed, a major goal of federal policy has been to maintain the programming autonomy of the local stations. There are a couple of reasons for this. First, a decentralized system was thought to be less prone to political manipulation or control. In addition, "localism" meant that the stations would respond to community information needs through the production of local programs. Based on this principle, federal policy has favored giving the bulk of the funds to the local stations as discretionary grants rather than aggregating funds for national program production.

The problem is that while "localism" may be a good way to help shield the system from political interference, adherence to the principle has detracted from other basic goals that the 1967 Act was meant to achieve. Localism in public television has not produced an abundance of locally produced programming. Moreover, the decentralized decision-making process for national program funding and distribution has tended to favor the production of "tried and true" programming that appeals to large audiences and attracts corporate sponsors. To make matters worse, the relatively small amount of funds that remain in CPB's national program fund ($36 million out of a total appropriation of $214 million in FY 1988[72]) are rarely used to achieve the original goals of innovation and experimentation, primarily for the political reasons described in the preceding section.

What exactly *is* happening "back home" at the local stations? Can federal funds, as distributed to the local stations through CPB, ever produce the locally-based and alternative program fare envisioned by the Carnegie Commission and the Congress?

Recent figures on the extent of local production reveal a downward trend. Data from a CPB program survey for the year 1986 indicate that, on average, of all the hours broadcast by local public television stations (during the survey sample days) in 1986, only 5.2 percent were produced in the station's own production facilities.[73] (The 5.2 percent is a *weighted* average, since the length of each broadcast day varies from station to station.) The 5.2 percent figure represents a dramatic decline from 1974, when CPB's survey revealed that the average number of broadcast hours produced locally stood at 11.4 percent.

It should be noted that CPB's reference to "local" in this survey is independent of program content; it relates to the number of local station hours spent broadcasting programs produced by the station's own facilities, including productions using remote facilities. Therefore, the 5.2 percent may be somewhat inflated since it could include programs produced using the station's facilities, but intended for national distribution. (An example would be Boston's

WGBH, which produces "This Old House" for national distribution.)

The averages are based on a survey of 173 "broadcasters," and CPB adds that "stations" are not identified because "statistically, it (the 5.2 percent) is not an accurate mean for the amount of local program production by station."[74] CPB points out that the individual survey data were based on findings over seven different sample days over the year. Therefore, according to CPB, if a station reported no local production aired by its facilities over the seven sample days (nine cases reported none), it is not necessarily an indication that the station produced no local programming in 1986.

Two points are worth noting. During interviews with a number of individuals from public broadcasting organizations, several reacted to the 5.2 percent as too "high." Secondly, the *distribution* of findings as reported by the broadcasters shows that the majority (116 out of 173 total) reported that less than five percent of their broadcast hours on the sample days were programs of local origin. It is also interesting that of the local programming reported, 13 percent involved fund-raising production.[75]

Economics of Production

Why is there so little local production? The main reason involves the economics of television production. Purchasing national programming represents a more efficient use of the limited program dollars available since development and production costs for national productions are spread over a large number of stations. The costs of national programming are also often subsidized by government or corporate underwriters, thereby further reducing the cost to the local stations.

In the mid-1970s, Douglass Cater wrote that the principle of localism "goes directly against the laws of broadcast economics."[76] The costs of quality local programming in time, talent, and resources are enormous for any single noncommercial station. Yet, whatever local programming stations elect to produce must compete against

high-quality programming carried by commercial broadcasters, cable systems, and, in some markets, even other public television stations. Since local programming is likely to attract fewer viewers (and consequently fewer contributors), public television stations are reluctant to commit their limited resources for such fare. What little local programming there is tends to be the cheapest to produce (e.g., interviews, talk shows, etc.). As Michael Rice of the Aspen Institute has observed:

> Except in rare instances, they [local programs] are of marginal value and disproportionate expense. People look to broadcasters for the best selection of programs regardless of production source. When they find instead dutifully-done programs of purely local interest, they quickly look elsewhere.[77]

The program category with the most obvious potential for local appeal is news and public affairs. Yet only 28 percent of the relatively few local programming hours in 1986 fell into this category.[78] According to one expert:

> It is all but impossible for a single public television operation to support an adequate local news unit...even the most prosperous commercial outlets with good budgets produce a skimpy product.[79]

This observation, made in the mid-1970s, is outdated only in that the amount of news programs produced by local commercial stations and cable systems has increased over the years, thereby reducing the need for this type of program production by the local public television stations.

This is not to say that all local public television stations have given in to the laws of programming economics. There *are* examples of public television stations that are taking risks with their limited resources and producing quality programs of local interest. A sampling of these stations and their programs include:

KYUK-TV in Bethel, Alaska, a radio/TV station whose viewing audience is primarily fishermen and hunters and which is situated in a market with no commercial television competitors, produces a half-hour news program, five days a week. Half the broadcast is in English and the other half is in Yup'ik Eskimo.

KTWU-TV, a university licensee in Topeka produces a weekly magazine show called "Sunflower Journeys" about the people, places, and events in Kansas. Each three-segment program has a specific theme. A program on transportation focused on the Combat Air Museum in Topeka, the Kansas Cosmosphere, and the demise of the passenger train.

Two documentaries produced by the Iowa Public Broadcasting Board (a state licensee) focused on how Iowa citizens made differences on the international scene. One was a broadcast called "Old Friends in China." Another, called "When Iowa Cares," showed how the donations of Iowa citizens were aiding victims of the Ethiopian famine.

In Bemidji, Minnesota, station KAWE produced "Promising Age," a series of eight half-hour programs that focus on topics of concern to the elderly citizens in its community. In its second season, the program will focus on issues such as grandparents' rights, health care, elderhostels, exercise for all ages, and the longevity of Minnesotans, and will include a vaudeville feature called "Geritol Frolics."

When asked how their stations were able to produce such programs, some program managers replied that they had designated local programming as a top priority. One noted how they planned years ago to produce the types of programming they are broadcasting now. Some pointed to the strength of their volunteer help.

These examples are significant because they demonstrate that local programming *can* be a viable objective for stations that define this as their mission. Unfortunately, however, they appear to be the exception rather than the rule in public television.

Growth in the Number of Stations

In order to realize its vision of a new system of educational broadcasting, the Carnegie Commission called for the expansion of facilities to "reach all parts of the country."[80] Additionally, the Commission wrote that the stations "should be individually responsive to the needs of the local communities and collectively strong enough to meet the needs of a national audience. Each must be a product of local initiative and local support."[81]

Thus, increasing the number of public television stations was meant, in part, to lead to the production of quality local programming. Over the years, however, federal money has been poured into the construction and maintenance of station facilities with little return in terms of local programming.[82] The facilities funding program, originally housed at HEW and now at the Commerce Department's National Telecommunications and Information Administration (NTIA), has become a source for the "care and feeding" of the stations with little correlation to the amount of local programming produced.

The original 1962 facilities funding legislation was considered at a time when an estimated two-thirds of the country did not have access to educational television. By 1977, the number of public television stations was approaching the levels envisioned by the Carnegie Commission. Noting that nearly 80 percent of the country could receive "at least a minimally acceptable noncommercial television signal," the Department of Health, Education, and Welfare (at that time charged with overseeing the administration of facilities grants) reported:

> ...it is fair to say that we are approaching the practical limits of population coverage by broadcast technology. Further

coverage improvements are becoming increasingly expensive to achieve. Additional funding, however, is necessary to provide qualitative improvements in such coverage.[83]

By 1986, public television stations were reaching 93 percent of American households. Although seven percent of the population remains unserved, 58 percent is served by two or more stations; and 30 percent, by three or more stations.[84]

How does this affect local programming? More stations competing for scarce federal resources means less money to go around, money which the stations could use to purchase national programming or produce programming of their own. Since the goal of local programming is not being achieved, perhaps the time has come to stop building expensive full-service stations, and rely instead on cheaper systems of translators or satellite transmission to bring a signal to the remaining unserved audience.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Based on our analysis of CPB's efficacy as a heat shield and the success of localism as a principle of federal policy, we have reached the following conclusions. With regard to CPB's ability to function as a heat shield, issues unsatisfactorily resolved since the 1967 Act leave CPB vulnerable to manipulation and interference by both the White House and the Congress. Rather than acting as a heat shield against political interference in public broadcasting, CPB often conveys such interference to the entities it is supposed to protect, and, on occasion, has generated political "heat" of its own. Policymakers ignore or do not seem to understand CPB's role as a heat shield, and many think nothing of exerting direct pressure on the stations, PBS, and NPR.

Particularly in regard to public television, the federal policy of localism has failed to achieve its intended purpose of stimulating

productions in response to community needs. Quality local programming is rare because of the underlying economics of program production and distribution. For the vast majority of public TV stations, less than five percent of local broadcast hours are spent broadcasting programs produced in their own facilities. The increasing number of full-service stations fostered by the federal facilities program has reduced the amount of funds available to each station for local production and thereby also discouraged local programming.

Additionally, this policy paper concludes the following about the context of public broadcasting in 1989:

> Cable television, VCRs, and other new technologies provide viewers with more choices than they had 21 years ago when Congress first enacted public broadcast legislation.

> Faced with an imposing national deficit, Congress will be less willing to approve significant increases in funds for public broadcasting.

Recommendations

Public broadcasting has depended upon the support of the federal government for over 21 years. Although the federal government is, in a sense, a minority shareholder, it is the largest *single* such shareholder. Every three years, public broadcasting has requested additional federal funds, and every three years, Congress has enacted short-term palliative measures that attempt to deal with whatever appears to be the immediate problem of the moment.[85] These exercises have only worked to further substantiate Congress' role in directing the course of public broadcasting, in airing internal system disputes, and in postponing the day of reckoning with the changes that have taken place in the video marketplace over the last 21 years. That day can no longer be postponed.

In formulating recommendations for the future of public broadcasting, two fundamental assumptions are made. First, public broadcasting is still in the public interest, filling an important niche in American communications media. At the very least, it has offered Americans one more choice. Public broadcasting has been a pioneer in using satellite technology and closed captioning, and continues to be actively involved in developing new technologies, such as high-definition television (HDTV). The fact that public broadcasting has survived against the odds is testimony to the dedication of public broadcasters and the desires of loyal audiences. Second, concern about the budget deficit and the position of public broadcasters in the hierarchy of social programs will continue to limit the growth of federal support for the indefinite future.

Our recommendations are aimed at the achievement of four fundamental policy goals. They are:

1. *Diversity*: preserving public broadcasting as a distinct programming choice, meeting needs that will remain unmet by the commercial marketplace.

2. *Political insulation/freedom of expression*: reducing the opportunities for interference and control by the government.

3. *Efficiency*: ensuring that federal support is targeted and utilized in the most cost-effective manner.

4. *Equity*: providing access for minorities to training programs and programming, and providing access to programming for the physically challenged; e.g., the hearing and visually impaired.

In order to achieve these policy goals, the following recommendations are offered. They are inter-related and should be considered as a package.

1. Phase Out CPB

The long-standing and irreconcilable tension between federal funding and freedom of speech, and the ease with which policy-makers of both parties have intruded into decisions affecting programming are causes for concern. The lack of an insulated funding mechanism is only part of the problem. The politicization of CPB has also contributed to the problem.

We recommend that the Corporation for Public Broadcasting be phased out over a two-year period to allow for the transfer of its functions to other institutions. Functions such as audience research, strategic planning, and technology development could be transferred to the Public Broadcasting Service (PBS) and National Public Radio (NPR). Educational services such as children's educational programming and expanding services for the physically challenged could be funded by the Department of Education; support for training programs, including the Minorities'/Women's Training Grants could be transferred to the Department of Labor or the Equal Employment Opportunity Commission (EEOC). These programs would be funded through federal appropriations to those departments. Other CPB functions could be performed by the new programming endowment (see Recommendation #2).

2. Establish a National Endowment for Video and Audio Programming

A national endowment for video and audio programming would be established as a private, nonprofit institution, and would assume the role of the CPB program fund. Public broadcasters would have the first option to use the programs supported by this new institution, but programs would also be made available to other media, including cable and commercial television. The new institution would be located in a city outside of Washington, D.C., and would use money from a trust fund to make program grants (see Recommendation #4). It would be assisted in its work by an advisory committee of individuals representing the communications industry. The amount of money expended per year would be at the institution's discretion.

The endowment would be governed by a nine-member Board of Directors. With regard to the board selection process, a presidentially-appointed nominating committee consisting of leading artists, academicians, scholars, and scientists would provide the President with a list of 27 names for the initial board (three names for each board position). The President would then be required to select one name for each board position, and each nomination would be subject to Senate confirmation. Board members would serve staggered, ten-year terms. Members of the first board, however, would serve terms according to the following schedule: three members would serve six-year terms, three members would serve eight-year terms and three members would serve ten-year terms. As each board term expired, the nominating committee would send a list of three names to the President from which to appoint a new member, subject to Senate confirmation.

The board would be assisted in its work by an advisory committee of professionals from the communications industry, including, but not limited to, representatives from noncommercial television and radio, commercial television and radio, cable television, and the motion picture industry, as well as independent producers. The purpose of the advisory committee is to promote industry relations, to bring technical expertise to the endowment, and to explore the distribution of the endowment-funded programs beyond traditional public broadcasting outlets.

Site selection and selection of the board nominating committee should be completed within two years, as the existing CPB program fund is winding down and as new funding becomes available (see Recommendation #4).

Because board members of the new institution would be more removed from the political appointments process, and because the institution would not be beholden to Congress for funding, the institution would be much better insulated from political interference than CPB is today. Locating the endowment outside of Washington, D.C. would deter any tendency to equate this institution with a federal agency or CPB. Because other media would have a

chance to bid on programs not selected by the public broadcasting stations, the public would have broadened opportunities for exposure to the programming.

3. Gradually Eliminate Federal Funding Through the Appropriations Process

Federal appropriations should be eliminated after five years to give stations time to develop other financial resources. As federal funds are phased out, the funds that stations have received through CPB ("community service grants") would also be gradually decreased each year. Since this proposal contemplates the elimination of federal funds for CPB after two years, the station funds would be administered by the Treasury Department in years three through five. These funds should be passed through to the stations with no restrictions on whether the money is used for programming, facilities, or overhead. Federal money that would have been allocated to the CPB Program Fund for national programming will gradually be replenished by the phasing in of a taxpayer check-off or spectrum fee plan (see Recommendation #4), the funds from which will be administered by the new programming endowment.

This recommendation targets federal funds at the production of national programming. This is the most appropriate use for federal funds as long as strong procedures for reducing or eliminating the sources of political interference can be put in place. Local stations should ultimately rely on local support to finance their operations and local programming.

4. Establish a Taxpayer Check-Off (and/or Spectrum Fees)

To ensure that the new endowment is politically insulated, and that it is funded by the best possible method of determining public support for public broadcasting, a taxpayer check-off should be phased-in. There are, of course, other ways to provide more stable

and insulated funding for public broadcasting. In 1978, the House of Representatives considered legislation that would have established a fee for use of the spectrum and would have used the proceeds, in part, to fund public broadcasting. This concept was subsequently advanced by Henry Geller and others. (See another paper in this series, "Charging for Spectrum Use," by Henry Geller and Donna Lampert.) The Senate recently considered charging a fee for the transfer of commercial broadcast licenses and using the revenues for public broadcasting. While a tax check-off is preferred, any of these approaches is infinitely better than the current authorizations/appropriations process.

First instituted for presidential campaign elections in 1972, the taxpayer check-off (whereby each taxpayer decides on his or her federal return whether $1.00 should go to funding presidential campaigns) has raised $500.4 million since.[86] In 1987 alone, 22 percent of all taxpayers (single and joint) used the check-off, yielding $33 million.[87] That figure is very close to what CPB currently allocates to the Program Fund ($36 million).

The fact that the Presidential Campaign Fund is checked off on 22 percent of returns is impressive, given the fact that it receives relatively little promotion. Public broadcasting, by contrast, would be in the unique position of being able to promote its check-off to viewers and listeners.

Although many interests might seek support for their programs from taxpayer check-offs, and there is legitimate concern about the accountability of off-budget programs, the use of a tax check-off to fund the programming endowment is warranted. First, it *does* provide insulation from the opportunities for extensive political interference that accompany the authorizations/appropriations process. Second, it allows those taxpayers who value the work of the endowment to support it (as opposed to other options that would tax all those who purchase televisions/radios or other types of electronic equipment).[88] Third, the benefits of the program being supported are widely available.

The direct federal appropriation would be eliminated after five years. In the meantime, the funds from the tax check-off would accumulate in an interest-bearing trust fund. As soon as the programming endowment were established, it could begin to draw on the trust fund to support its programming. The trust fund would provide a stable source of funding that would also have maximum insulation from political pressure.

The proposed method of funding takes Congress out of the business of deciding how much money to allocate to public broadcasting. It separates government institutions as much as possible from institutions that determine content. The tax check-off also creates a direct link between viewers and programming.

5. Loosen Restrictions on Corporate Underwriting

The video programming marketplace has changed dramatically over the past two decades. Even some of public television's most faithful underwriters are finding themselves outbid by cable television programmers in bringing certain programming to public television. For example, one of public television's long-standing supporters, Mobil Oil, reports that it is being outbid by cable channels that are willing to pay more per hour for programming.[89]

While one problem may be the FCC's rules on corporate underwriting, another problem is caused by PBS' interpretation of those guidelines. One PBS rule prohibits underwriters from showing a "product in motion." This rule discourages car companies, for example, from underwriting because they feel showing their product in motion is important to its promotion.

At the local level, stations should be free to develop new funding sources such as clustered institutional ads at the beginning and the end of programming. Revenue would help to offset the loss of direct federal support for station operations.

6. Limit Use of Funds from the Public Telecommunications Facilities Program to Reaching Areas Not Served

Facilities funding currently serves two purposes: (1) it enables existing stations to upgrade their studio and transmission facilities; and (2) it provides start-up costs for new facilities. Such funds should be directed solely for the purpose of expanding the reach of public television and radio stations.

Since 93 percent of American households have access to at least one public television station, future federal funds should go toward extending service to the seven percent of households currently unserved. This may mean upgrading the transmission capacity of existing stations, building translators, or building new stations where there is sufficient local interest to support their continued operation. For radio, it means that funding should be directed at the 18 percent of households unserved. Once primary television and radio service has been expanded to unserved areas, facilities funding should be eliminated.

* * *

Public broadcasting has made significant contributions to informing and entertaining viewers and listeners in the years since the passage of the 1967 Public Broadcasting Act. In view of the inherent problems (lack of insulation, lack of stable funding, politicization of CPB, etc.), its successes are even more impressive.

However, given the realities of today's video and audio marketplace, which is radically different than it was two decades ago, public broadcasting's role must be re-examined. Most viewers have many more options than they had 21 years ago. Programs that have been the staples of public broadcasting are available today on cable and videocassettes. These changes suggest the need for a redefinition of the mission of public broadcasting at both the national and local levels.

Public broadcasting's problems will not be solved simply by increasing federal funding. And given the current federal budget deficit, it is important to gradually decrease the local stations' dependence on federal funds and free them from the political "strings" that are inevitably attached to such support. It is equally important to use the limited federal funds as efficiently as possible by channeling support into programming rather than operations. If major reforms are not forthcoming, the continuation of federal support for public broadcasting should be questioned.

Notes

1. "An American Family" was produced by WNET in New York and focused on the lives of the William Loud family.

2. *Public Television: A Program for Action; Report and Recommendations of the Carnegie Commission on Educational Television* (New York: Harper & Row Publishers, Inc., 1967), p. 14. Hereinafter referred to as "Carnegie I."

3. This paper is based on research over a six-month period and included several off-the-record interviews with individuals currently and formerly affiliated with all sectors of the public broadcasting industry, as well as policymakers who have been involved in the public broadcasting policy process. The authors are grateful to all of these individuals for their time, guidance, and recommendations.

4. Douglass Cater, "Introduction: The Haphazard Business of Institution Building" in *The Future of Public Broadcasting*, edited by Douglass Cater and Michael J. Nyhan (New York: Praeger Publishers, 1976), p. 2.

5. Carnegie I, p. 4.

6. Chalmers H. Marquis, *Brief History of Public Broadcasting Federal Financing Legislation, 1958-78, Including Authorizations and Appropriations for Educational Broadcasting Facilities Program and Corporation for Public Broadcasting* (prepared for PBS Members, Board and Staff, January 1979), p. 4.

7. Carnegie I, p. 5.

8. *Ibid.*, p. 37.

9. *Ibid.*, p. 41.

10. *Ibid.*, p. 69.

11. *Ibid.*, p. 5.

12. However, this was not a particular goal sought by the Carnegie Commission.

13. Carnegie I, pp. 13-14.

14. *Ibid.*, p. 33.

15. For a comprehensive look at public broadcasting, the reader is referred to *A Report to the People—The 1986 CPB Annual Report* (Washington, D.C.: Corporation for Public Broadcasting, 1986) and *WNET Thirteen Retrospective* (New York: Museum of Broadcasting, 1988).

16. See "Facts About PBS," Alexandria, VA: Public Broadcasting Service, January 1988, p. 2.

17. DVS uses a special audio channel on stereo television to describe a story.

18. Public radio developed the subcarrier frequency in a manner that does not interfere with the frequency used to transmit communications for the general listening audience. Today, private and public organizations provide public radio stations with special reading services that are transmitted on the station's subcarrier frequency and received by radios that use special receivers.

19. Simulcasting refers to the simultaneous transmission of audio programming by radio to accompany a television program (e.g., a symphony concert).

20. Carnegie I, p. 18.

21. Public radio seems to have been less hard hit by technology. Deregulation has led to decreasing amounts of news and information programming on commercial radio, thus laying the groundwork for growth in audiences for NPR's unique public affairs programming sources. In addition, public radio stations continue to offer unique formats in most of the communities served.

22. Sydney W. Head, *Broadcasting in America*, Second Edition (New York: Houghton, Mifflin Company, 1972), p. 195, Figure 10.6.

23. *Broadcasting*, October 10, 1988, p. 89, quoting Al Neuharth, Chairman, Gannett.

24. *Cable TV Facts '88* (New York: Cabletelevision Advertising Bureau, Inc.), p. 13.

25. *Ibid.*, p. 16.

26. See *PBS National Program Service: Strategic Plan for the 1990s* presented at Public Broadcasting Service (PBS) annual Programming Meeting (July 1988). On page 10, Director of Research John Fuller remarks that viewership for public television was "down slightly for the season just ended." Note: All references in this text refer to a draft copy of this proprietary document. PBS would not provide a final copy of this document. Hereinafter, this document will be referred to as "Strategic Plan."

27. *Consumer Electronics U.S. Sales* (Washington, D.C.: Consumer Electronics Group, Electronic Industries Association, 1988), p. 22.

28. *Strategic Plan*, p. 29.

29. *Public Broadcasting Statistics in Brief* (Washington, D.C.: Corporation for Public Broadcasting, 1987).

30. This discussion concentrates primarily on cable technology. However, it should be noted that other technologies, such as "wireless cable" and satellite, are also expanding the range of programming alternatives.

31. *Strategic Plan*, p. 10.

32. *Ibid.*, p. 36.

33. *Ibid.*, p. 3.

34. *Ibid.*, p. 78.

35. *Ibid.*, p. 35.

36. *Communications Daily*, September 15, 1988, p. 5.

37. These requirements are the "must-carry" rules, which were struck down in December 1987 by the U.S. Appeals Court in Washington, D.C.

38. *Communications Daily*, July 11, 1988, p. 1.

39. *Strategic Plan*, p. 47. Note: If cable operators were to drop significant numbers of public broadcasting stations, they would likely invite congressional intervention to reinstate must-carry rules.

40. *Historical Tables, Budget of the United States Government* (Washington, D.C.: Executive Office of the President, Office of Management and Budget, Fiscal Year 1988), Table 1.1.

41. *Ibid.*

42. Every three years, Congress reauthorizes the Public Broadcasting Act and sets levels of funding for the following three years. Appropriations are also made three years in advance, but are for just one year at a time.

43. "Additional Views of the Honorable Louis Stokes" in House Report 94-245, *Adverse Report on the Public Broadcasting Financing Act of 1975*, p. 8.

44. *Ibid.*, p. 5.

45. John Wicklein, "The Assault on Public Television" in *Columbia Journalism Review*, January/February 1986, p. 28.

46. *Ibid.*

47. *Ibid.*

48. *Ibid.*

49. *Ibid.*, pp. 28-29.

50. *Ibid.*, p. 29.

51. *Current*, May 11, 1988, p. 6.

52. *Congressional Record*, H 7649, July 24, 1984.

53. For a detailed history of the Nixon Administration and public broadcasting, see *The Nixon Administration Public Broadcasting Papers 1969-1974* (Washington: National Association of Educational Broadcasters, 1979). (Hereinafter referred to as *"NAEB"*.)

54. *Broadcasting*, May 8, 1972, p. 38.

55. That number was pared down to 10 in 1981 (effective as of 1984) with no more than six of the same political party.

56. 47 U.S.C. Sec. 396(c)(2).

57. "Memorandum for the President," dated June 18, 1971. *NAEB*, p. 30.

58. According to *Broadcasting*, Lichenstein was part of the Reagan transition team that recommended that CPB be abolished as of 1983. See *Broadcasting*, June 29, 1987, p. 59.

59. Memorandum from Clay Whitehead to Peter Flanigan, November 4, 1969, *NAEB*, p. 10.

60. Memorandum to the President dated June 4, 1971, *NAEB*, p. 30.

61. Memorandum for the President dated October 15, 1971, *NAEB*, p. 40.

62. Content analysis is a social science method used to analyze programming.

63. "Heat-shield role under fire," *Current*, May 30, 1984, p. 1.

64. *Ibid.*, p. 2.

65. *New York Times*, January 22, 1987, Section B, p. 26.

66. *Ibid.*

67. *Ibid.*

68. See *Current*, September 28, 1988, p. 1.

69. See *Raymond Kudukis et al.* v. *Cleveland Public Radio (WCPN)*. Note: National Public Radio filed a friend-of-court brief in support WCPN.

70. *Cleveland Plain Dealer*, September 26, 1988.

71. For reasons of both economics and service orientation, the principle of localism has been more successful in public radio than in public television. Therefore, this section concentrates on public television.

72. Office of Budget and Program Analysis, Corporation for Public Broadcasting.

73. Data in this section are based on a 1986 survey as released by the Corporation for Public Broadcasting.

74. Letter from Richard Grefe, CPB, to Louise Arnheim, dated October 7, 1988.

75. Letter from Denise Wood, CPB, to Louise Arnheim, dated October 19, 1988.

76. Douglass Cater, preface to *The Future of Public Broadcasting*, p. 3.

77. Michael Rice, "Public Television Issues of Purpose and Governance," Aspen Institute for Humanistic Studies, New York, 1981, p. 18.

78. Letter from Denise Wood, CPB, to Louise Arnheim, dated October 19, 1988.

79. William E. Porter, *Assault on the Media* (Ann Arbor: The University of Michigan Press, 1976), p. 151.

80. Carnegie I, p. 4.

81. Carnegie I, pp. 4-5.

82. Federal support for public television actually has its roots in the funding

of local educational broadcast facilities. The Educational Television Facilities Act of 1962, which was signed into law during the Kennedy Administration, enabled existing educational television stations to upgrade or expand their facilities and provided facilities funding for new stations. The legislation provided as much as 50 percent of the required equipment costs. Today, facilities funding for radio and television stations is provided through the Public Telecommunications Facilities Program (PTFP) administered by the National Telecommunications and Information Administration (NTIA) in the Department of Commerce.

83. HEW findings, as quoted in House Subcommittee on Communications Options Paper, Interstate and Foreign Commerce Committee, Committee Print 95-13, May 1977, p. 247.

84. Figures based on information in *Public Broadcasting Statistics in Brief, op. cit.* In the San Francisco market, there are five public television stations, four of which have their own separate management, administrative, public relations, and production staff. These stations are KRCB-TV in Rohnert Park, KQED and KQEC in San Francisco, KTEH in San Jose, and KCSM in San Mateo. (KQED and KQEC are owned by KQED, Inc.)

The problem is not a new one. As one observer wrote in the early 1970s: "This absence of what is now referred to as family planning led to costly and inefficient duplication of facilities in areas already served by existing educational stations." See R. Bruce McKay, "Financing: Problem or Symptom" in *The Future of Public Broadcasting, op. cit.* p. 145.

Note: By contrast, public radio reaches 82 percent of American households, and only 50 percent of the nation's households are served by more than two public radio stations.

85. This year, Congress responded to the concerns of independent producers by creating a special fund for independent productions. In the past, Congress has tinkered with CPB, EEO, radio funding, etc.

86. Internal Revenue Service, *Annual Report 1987*, p. 9.

87. *Ibid.*

88. There is a "free-rider" problem with this approach; that is, some who watch or listen to the programming will not use the check-off. However, because the amount involved is so small ($1.00), most of those who watch public broadcasting will probably be inclined to use the check-off. In any case, free-rider problems exist in every form of mass media that is supported by means other than direct subscription.

89. See Jeremy Gerard, "PBS Warily Alters Rules For Sponsors' Messages," *New York Times*, November 11, 1988.

Appendix

Documents Pertaining to "The Lawmakers" Series

(CPB Memo as provided to the authors.)

Letters Received Regarding THE LAWMAKERS

Date:	From:
11/1/82	Representative Geraldino Ferraro (D-N.Y.)
11/8/82	Representative Pat Schroeder (D-Colo)
"	The Women's Congressional Caucus
11/9/82	Senator Ted Stevens (R-Alaska)
11/16/82	Representative Peter Rodino (D-N.J.)
11/23/82	Representative Joel Pritchard (R-Wash)
"	Representative Thomas Downey (D-N.Y.)
"	Representative James Shannon (D-Mass)
"	Representative Barney Frank (D-Mass)
11/24/82	Representative Steny Hoyer (D-Md)
"	Representative Michael Barnes (D-Md)
"	Representative Dante Facell (D-Fla)
12/2/82	Representative Stephen Solarz (D-N.Y.)
"	Representative Norman Mineta (D-N.Y.)
"	Representative Morris Udall (D-Ariz)
12/3/82	Representative Martin Frost (D-Tex)
"	Representative Bill Archer (R-Tex)
"	A. L. Singleton, Minority Chief of Staff, Ways & Means Committee
"	Senator Peter Domenici (R-N.M.)
12/7/82	Representative Andy Jacobs (D-Ind)
"	Vice President George Bush
"	Representative Barber Conable (R-N.Y.)
"	L. G. Wallace, Deputy Solicitor General U.S. Dept. of Justice

12/7/82 cont'	Chapin Carpenter, Senior Vice President, Magazine Publishers Assn.
"	Representative Olympia Snowe (R-Maine)
"	Representative Toby Moffett (D-Conn)
12/8/82	Representative Guy Vander Jagt (R-Mich)

Phone Calls Received Regarding THE LAWMAKERS

Date:	From:
11/18/82	Marion Mayer, Minority Staff, House Labor/HHS/Ed Approp. Subcmte.

CONGRESS

of the

United States of America

Andy Jacobs

December 1, 1982

RECEIVED
DEC 7 1982
LEGISLATIVE AFFAIRS

Mr. Edward Pfister
President
Corporation for Public Broadcasting
1111 16th Street, N.W.
Washington, D.C. 20036

Dear Mr. Pfister:

Is it remotely possible that the Corporation for Public Broadcasting is taking steps leading back to government-by-guess-who? Are you really contemplating abandonment of THE LAWMAKERS?

I know not what course others may take, but, ~~knowing the popularity of the program in Indiana~~, I shall find it difficult to stay the course of my heretofore strong support of the Corporation for Public Broadcasting if the Corporation for Public Broadcas~~ting~~ effectively denies to the public this excellent view of what their Congress is doing with their money and their lives.

Sincerely,

ANDY JACOBS, JR.

AJ/pc

THIS PAPER MADE WITH RECYCLED FIBERS

STEPHEN J. SOLARZ
[illegible]

COMMITTEES:
FOREIGN AFFAIRS
CHAIRMAN, SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS
BUDGET

Congress of the United States
House of Representatives
Washington, D. C.

WASHINGTON OFFICE:
[illegible]
Washington, D.C. 20515
(202) [illegible]

DISTRICT OFFICES:
[illegible]
Brooklyn, New York 11201
(212) [illegible]

[illegible]
Brooklyn, New York 11235
(212) [illegible]

December 6, 1983

Mr. Ward Chamberlin
President, WETA-TV
3700 Four Mile Run Drive S.
Arlington, Virginia 22206

RECEIVED
DEC 08 1983
LEGISLATIVE AFFAIRS

Dear Mr. Chamberlin:

I am writing to encourage you to use your best efforts to save one of the most coherent, best produced programs ever devised to inform Americans on the internal workings of their national parliament. I am referring, of course, to "The Lawmakers." Recent press reports indicate that, once again, this outstanding program is endangered and may be taken off the air.

Most television news broadcasts which report on the activities of Congress do an adequate job discussing the "how", "what", and "who" of issues before the House and Senate. But, they rarely cover, nor are they particularly able to explain adequately, the "why" of issues -- for what reason Congress acts as it does. More often than not, insofar as my experience in Congress has shown, there are hidden, institutional and political reasons for the decisions we make. The people are entitled to hear that side of the institutional processes by which our laws are made. Without the continued presence of "The Lawmakers," it is unlikely that the American people will have that information before them. In my judgement, that would be most unfortunate.

Equally important, any attempt to remove the program from the air would fly in the face of Congressional intent, both with respect to recent actions by the Congress to increase funding for the Corporation for Public Broadcasting and specifically regarding "The Lawmakers." It is my understanding that, at least on one occasion, the House Appropriations Committee Report -- accompanying the Labor-HHS Appropriations bill -- mentioned specifically "The Lawmakers" as the kind of programming which such a funding increase was envisioned to sustain. There were some in the House who believed that, by mentioning "The Lawmakers," the Committee was engaging in precisely the kind of government interference with public broadcasting for which President Nixon was criticized. However, I, along with the majority of my colleagues, believed that, because "The Lawmakers" was such an important program, special mention was not only deserved but necessary.

THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS

Paul Duke, Cokie Roberts and the rest of the staff are such good journalists that they will have absolutely no trouble, I am sure, recovering from the blow that the loss of "The Lawmakers" would constitute. But the people of this country who depend on the program for the inside details on actions by Congress, the excellent analysis, and the entertaining and amusing commentaries which close the show, would be poorer if it met its demise.

Consequently, it is my sincere hope that you will do everything in your power to save what has become for so many an essential component of their television viewing schedules. "The Lawmakers" has my support. I hope it has yours as well.

Cordially,

STEPHEN J. SOLARZ
Member of Congress

cc: Edward Pfister

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3471 Rayburn Building
(202) 225-6740

Ann Charnley Smith
Executive Director

Congressional Caucus
for
Women's Issues

Congress of the United States
Washington, D.C. 20515

October 27, 1982

Mr. Edward Pfister, President
Corporation for Public Broadcasting
1111 16th Street, N.W.
Washington, D.C. 20036

Dear Ms. Rockefeller:

The Congressional Caucus for Women's Issues is a bi-partisan organization in the House of Representatives formed to support and monitor legislation to benefit women. As such, one of our highest priorities is education and outreach. We endeavor to inform women's organizations and the general public not only on legislation effecting women, but on the legislative process itself. For without an understanding of the latter, women will not be effective advocates in Congress.

Thus, programs such as "The Lawmakers" are of great value to our efforts. "The Lawmakers" is the only program on television that focuses on Congress. Not only does the program deal with current issues, but Cokie Roberts, Linda Wertheimer and Paul Duke include reports that illuminate the history and tradition of Congress as well. In an era when our governmental institutions are frequently held in low esteem, such effects are greatly appreciated by members of Congress.

Public broadcasting continues to enjoy the strong support of Congress while other programs have been cut. Undoubtedly, this is because of superior programs such as "The Lawmakers".

Sincerely,

Ann C. Smith
Executive Director

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